

Attorney Docket Number: 268312US (FSP0347)  
Application Number: 10/579,214  
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## **REMARKS**

The Applicant thanks the Examiner for examining this application. This is a response to the Final Rejection mailed on February 25, 2010. The Applicant's amendments and remarks after final rejection were not entered; therefore, they are presented again here for consideration.

### **Advisory Action**

In an Advisory Action mailed May 13, 2010, the Examiner asserts that incorporating dependent claim features into independent claims will necessitate a new search and/or analysis. The Applicant therefore respectfully anticipates either allowance of some or all claims, or a new basis for any further rejections of the claims.

### **Claim Objections**

Claims 6 and 7 are objected to because of alleged informalities. Amendments are made to the claims to address the claim objections.

### **35 U.S.C. 102(b)**

Claims 1-4 and 10-14 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Hendricks et al. (U.S. Patent 5,600,364, referred to as Hendricks).

#### **Claim 1 and Dependents**

Claim 1 (and its dependent claims) describe a content on demand system including logic to alternatively deliver information about multiple audio and/or video streams on a first tunable channel and on a second tunable channel.

Hendricks does not disclose alternatively delivering information about multiple audio and/or video streams on a first tunable channel and on a second tunable channel. The cited figure (8a) and elements merely show a graphical interface program options. The cited passages (Abstract, col 15 ll 22-40, col 7 ll 1-14, col 12 ll 51 – col 13, ll 15 merely describe the communication and display of program menu options in conventional ways, not alternatively on different tunable channels. Hendricks does not describe the delivery mechanism of the claims. "Alternatively" as used in the claims has its common meaning, and meaning as used in the

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specification, which is ‘alternating from one to the other’. Thus ‘alternatively delivering information about multiple audio and/or video streams on a first tunable channel and on a second tunable channel’ means delivering the stream information alternately, on a first tunable channel, then on a second, then eventually back to the first again, and so on. The Office Action does not appear, in the Applicant’s view, to be applying this plain meaning and cites passages from Hendricks with no bearing or relation to the claim features.

#### **35 U.S.C. §103(a)**

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Hendricks in view of Aggarwal et al. (U.S. Patent 6,631,413, referred to as Aggarwal). Claim 9 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Hendricks in view of Ellis et al. (U.S. Patent 2004/0117831 A1, referred to as Ellis).

Neither Aggarwal nor Ellis supplies the features for which Hendricks is relied upon, and which are in fact not disclosed in Hendricks. See the remarks, *supra*. Nothing in either reference, nor set forth in the Office Action, would cause the missing features to arise as obvious to one skilled in the art. Rather, the Office Action relies on the assertion that the features are explicit in Hendricks, which in the Applicant’s view is respectfully not the case.

#### **Claim 10 and Dependents**

Claim 10 and 12-14 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Hendricks in view of Curreri (U.S. Patent 6,817,027, referred to as Curreri).

Neither Curreri nor Hamilton supplies the features for which Hendricks is relied upon (supplying index information on alternate tunable channels), and which are in fact not disclosed in Hendricks. See the remarks, *supra*. Nothing in either reference, nor set forth in the Office Action, would cause the missing features to arise as obvious to one skilled in the art. Rather, the Office Action relies on the assertion that the features are explicit in Hendricks, which in the Applicant’s view is respectfully not the case.

#### **Claims 15 -16**

Claims 15-16 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Hendricks in view of Hamilton (U.S. Patent 7,305,357, referred to as Hamilton).

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The Office Action states that Hamilton teaches a service group identifier. It therefore concludes Applicant's claim feature, applying audio and/or video title information and a service group identifier in a request communicated to an on-demand server system, would somehow be obvious, merely because Hamilton discloses a service group identifier. Yet neither Hendricks nor Hamilton teach using a service group identifier in the claimed fashion. The Examiner merely concludes it would be obvious to do so. The Applicant respectfully asserts the rejection of claims 15-16 is therefore unreasonable for at least the reason that it is unsubstantiated by a consistent chain of reasoning from the disclosure of the two references to the claimed features.

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**Conclusion**

The Applicant respectfully requests allowance of all remaining claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Please charge any additional fees under 37 CFR §§ 1.16, 1.17, 1.18, 1.20 and 1.21 that may be required to maintain pendency of the present application, or apply any credits to our PTO deposit account number: 501691.

Signature /Charles A. Mirho/ Date: 05/13/2010  
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